

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application, in light of the above amendments and the following remarks, is respectfully requested.

Claims 1, 3-9, 11-29, 31-37 and 39-56 are pending. By the present amendment, Claims 1 and 29 are amended. In the outstanding Office Action, Claims 1,3-9, 25-29, 31-37, and 53-56 were rejected under 35 U.S.C § 112, second paragraph for being indefinite; Claims 11-13, 16, and 39-41 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,930,008 to Nabeshima in view of U.S. Patent No. 4,805,120 to Sakano; and Claims 17-18, and 45-46 were rejected under 35 U.S.C. § 102(b) as anticipated by Nabeshima.

Applicant appreciates the Examiner indicating that Claims 14-15, 19-24, 42-43, and 47-52 include allowable subject matter. However, for at least the reasons set forth below, Applicant respectfully submits that all the claims are in condition for allowance.

With respect to the rejection of the claims under 35 U.S.C § 112, Claims 1 and 29 are amended by the present amendment. Accordingly, withdrawal of the rejection of the claims is respectfully requested.

With respect to the rejection of independent Claims 11 and 39 by Nabeshima in view of Sakano, neither of the applied art teaches or suggests that the glass platen is moved by the controller while the reading section reads an image.

Instead, Nabeshima teaches that when a document 402 is placed at the document set position, the glass surface of the glass platen 406 is read and a determination is made whether or not the glass platen 406 is soiled. If the surface is not soiled, the roller 407 is rotated and the document is transported to the reading position. However, if the surface is soiled or damaged the platen lever 411 is moved to move the glass platen 406. After this movement, the image of the document is read using the glass surface of the platen 406 which is not soiled. Accordingly, the image of the document using the clean reading position B as shown

in Figure 3B rather than the soiled reading position A shown in Figure 3A, is used to read the image of the document.

Again, Claims 11 and 39 recite that the glass platen is moved by the controller while the reading section reads an image. This feature is not taught or suggested by the applied art. Nabeshima discloses that if the glass surface of the glass platen 406 is soiled or damaged the moving lever 401 is moved to move the glass document platen 406. After the movement, the image of the document is read using the clean glass platen 406. Accordingly, the glass surface is cleaned first, if dirty, and then the document is read.

With respect to Claims 17 and 45, and the rejection based on Nabeshima, the applied art does not teach, disclose or suggest that while the moving means moves the glass platen, the cleaning means moves relative to the glass platen to thereby clean the top of the glass platen. The previous Office Action acknowledged that Nabeshima does not disclose an express cleaning means affixed to the body and contacting the glass platen for cleaning a top of the glass platen. However, the Office Action now asserts that Nabeshima discloses this feature. Applicant respectfully disagrees.

Nabeshima merely discloses that document 402 is placed at the document set position, the glass surface of the glass platen 406 is read and a determination is made whether or not the glass platen 406 is soiled. If the surface is soiled, the platen lever 411 is moved to move the glass platen 406 and the document is read using the clean reading position B as shown in Figure 3B. There is no teaching or suggestion for the features recited in Claims 17 and 45 as discussed above nor does the Office Action direct applicant to any particular teaching in Nabeshima for those features. For example, the features of a “cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen, wherein while said moving means moves the glass platen, said cleaning means moves relative to said glass platen to thereby clean the top of said glass platen” are not shown in the applied art.

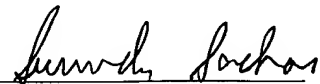
Independent Claims 1, 25, 29 and 53 were not rejected based on applied art. Therefore, it is respectfully submitted that the features of these independent claims define over the art of record for at least the reasons discussed above with respect to the remaining independent claims, as well as for the additional features they recite. For example, Nabeshima discloses determining if the glass platen is soiled or not. If soiled, the glass platen is cleaned so that the document can be read with a clean glass platen 406. If the glass surface is not soiled, then the roller 407 is rotated and the document is transported to the reading position and the document is read while being transported. However, Nabeshima does not disclose that the glass platen is moved while the image is read.

Consequently, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance for Claims 1, 3-9, 11-29, 31-37 and 39-56 is respectfully requested.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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